

03/18/02

A/Reissue

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PTO/SB/50 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## REISSUE PATENT APPLICATION TRANSMITTAL

Address to:

Assistant Commissioner for Patents  
Box Reissue  
Washington, DC 20231

Attorney Docket No.	8588.12RE
First Named Inventor	William A. Elmer
Original Patent Number	5,711,100
Original Patent Issue Date (Month/Day/Year)	1/27/98
Express Mail Label No.	EL 768 537 763

APPLICATION FOR REISSUE OF:  
(Check applicable box)

Utility Patent



Design Patent



Plant Patent

## APPLICATION ELEMENTS (37 CFR 1.173)

1. ☒ Fee Transmittal Form (PTO/SB/56)  
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification and Claims in double column copy of patent  
format (amended, if appropriate)
4. ☐ Drawing(s) (proposed amendments, if appropriate)
5. ☒ Reissue Oath/Declaration (original or copy)  
(37 C.F.R. § 1.175) (PTO/SB/51 or 52)
6. ☒ Power of Attorney
7. Original U.S. Patent currently assigned? ☐ Yes ☒ No  
(If Yes, check applicable box(es))  
☐ Written Consent of all Assignees (PTO/SB/53)  
☐ 37 C.F.R. § 3.73(b) Statement  
(PTO/SB/96)
8. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix)  
or large table
9. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all of the following are necessary)
  - a. ☐ Computer Readable Form (CFR)
  - b. Specification Sequence Listing on:
    - i ☐ CD-ROM (2 copies) or CD-R (2 copies); or
    - ii ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

10. ☐ Statement of status and support for all changes  
to the claims. See 37 CFR 1.173 (c).
11. ☐ Original U.S. Patent for surrender  
☐ Ribboned Original Patent Grant  
☐ Statement of Loss (PTO/SB/55)
12. ☐ Foreign Priority Claim (35 U.S.C. 119)  
(if applicable)
13. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS  
Citations
14. ☐ English Translation of Reissue Oath/Declaration  
(if applicable)
15. ☒ Preliminary Amendment
16. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
17. Other: See Attachment to  
PTO/SB/50 (02-01)  
.....

## 18. CORRESPONDENCE ADDRESS



Customer Number or Bar Code Label



Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Herbert L. Allen			
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Country	U.S.	Telephone	407/841-2330	

NAME (Print/Type)	Herbert L. Allen	Registration No. (Attorney/Agent)	25,322
Signature	<i>Herbert L. Allen</i>	Date	3/15/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

03/15/02

JC928 U.S. PTO

JC931 U.S. PTO  
10/098648  
03/15/02

03/18/02

## REISSUE LITIGATION

X/Reissue

PTO/SB/56 (02-01)

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## REISSUE APPLICATION FEE TRANSMITTAL FORM

Docket Number (Optional)

8588.12RE

## Claims as Filed - Part 1

Claims in Patent		Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity	
				Rate	Fee	Rate	Fee
(A) 6	Total Claims (37 CFR 1.16(j))	(B) 17	**** =	x \$ _____ =	or	x \$ _____ =	
(C) 3	Independent claims (37 CFR 1.16(i))	(D) 3	* =	x \$ _____ =		x \$ _____ =	
Basic Fee (37 CFR 1.16(h))				\$ 370			\$ _____
Total Filing Fee				\$ 370		OR	\$ _____

## Claims as Amended - Part 2

	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(j))	***	MINUS	**	* =	x \$ _____ =		x \$ _____ =	
Independent Claims (37 CFR 1.16(i))	***	MINUS	*****	=	x \$ _____ =		x \$ _____ =	
Total Additional Fee					\$		OR	\$

\* If the entry in (D) is less than the entry in (C), Write "0" in column 3.

\*\* If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.

\*\*\* After any cancellation of claims.

\*\*\*\* If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).

\*\*\*\*\* "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).

☒ Applicant claims small entity status. See 37 CFR 1.27.☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. 01-0484.  
A duplicate copy of this sheet is enclosed.☒ A check in the amount of \$ 370.00 to cover the filing / additional fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**3/15/02  
Date

Signature of Applicant, Attorney or Agent of Record

Herbert L. Allen

Typed or printed name

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

JC928 U.S. PTO  
03/15/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application for Patent No. 5,711,100 of:

**WILLIAM A. ELMER**

Serial No. 74/598

Filing Date: **June 14, 1993**

Issue Date: **January 27, 1998**

For: **VEHICLE ADVERTISING SIGN, SYSTEM AND METHOD**

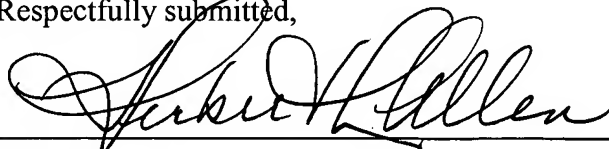
Asst. Commissioner for Patents  
Washington, D.C. 20231

Sir:

**STATEMENT UNDER MPEP 1442.02 REGARDING CONCURRENT LITIGATION**

Applicant for reissue hereby states that there is ongoing litigation concurrent with this reissue application. To date, a law suit relating to the above-identified U.S. Patent No. 5,711,100 has been filed in the United States District Court for the Middle District of Florida, Case No. 6:01-cv-673-Orl-28JGG for William A. Elmer v. Goldenrod Pizza, LLC, a Florida Limited Liability Company, d/b/a "East of Chicago Pizza"; and Auto Sox USA, Inc., a Washington corporation. Applicant intends to request a stay of the litigation pending the outcome of this application, and therefore requests that the examination of this application be expedited.

Respectfully submitted,



Herbert L. Allen

Reg. No. 25,322

Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.

255 S. Orange Avenue, Suite 1401

Post Office Box 3791

Orlando, Florida 32802

(407) 841-2330

Attorney for Applicant

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that the foregoing is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to the Assistant Commissioner for Patents, Washington D. C. 20231, Express Mail No. EL 768 537 763 US , this 15<sup>th</sup> day of March, 2002.

Karlene Pile

**ATTACHMENT TO PTO/SB/50 (02-01) - OMB 0651-0033**

OTHER ACCOMPANYING APPLICATION PARTS INCLUDE THE FOLLOWING:

- ☒ Statement Under MPEP 1442.02 Regarding Concurrent Litigation
- ☒ Request for Transfer of Drawings

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application for Patent No. 5,711,100 of:

**WILLIAM A. ELMER**

Serial No. 74/598

Filing Date: **June 14, 1993**

Issue Date: **January 27, 1998**

For: **VEHICLE ADVERTISING SIGN, SYSTEM AND METHOD**

Asst. Commissioner for Patents  
Washington, D.C. 20231

Sir:

**REQUEST FOR TRANSFER OF DRAWINGS**

Applicant for reissue hereby requests transfer of the official drawings contained in the file of the above-identified Patent No. 5,711,100 to the present application for reissue.

Please charge all costs incurred by reason of the above request to Deposit Account No. 01-0484.

Respectfully submitted,



Herbert L. Allen

Reg. No. 25,322

Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.

255 S. Orange Avenue, Suite 1401

Post Office Box 3791

Orlando, Florida 32802

(407) 841-2330

Attorney for Applicant

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ATTACHMENT TO PTO/SB/51 (02-01) - OMB 0651-0033

At least one error or defect for which reissue is required is described as follows:

- (a) The original patent claims less than the patentee had a right to claim; and/or
- (b) There is additional, non-publication prior art which should be considered by the PTO.

REISSUE LITIGATION